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| APPLICATION NO.                                  | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|---------------|----------------------|---------------------|------------------|
| 10/814,273                                       | 04/01/2004    | Takaya Matsuishi     | 25121SUS2           | 8482             |
| 22850  | 7590          | 06/11/2009           |                     |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. |               |                      | EXAMINER            |                  |
| 1940 DUKE STREET                                 |               |                      | LUDWIG, MATTHEW J   |                  |
| ALEXANDRIA, VA 22314                             |               |                      | ART UNIT            | PAPER NUMBER     |
|  |               |                      | 2178                |                  |
|  |               |                      |                     |                  |
| NOTIFICATION DATE                                | DELIVERY MODE |                      |                     |                  |
| 06/11/2009                                       | ELECTRONIC    |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/814,273 | <b>Applicant(s)</b><br>MATSUISHI, TAKAYA |
|                              | <b>Examiner</b><br>MATTHEW J. LUDWIG | <b>Art Unit</b><br>2178                  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on **24 March 2009**.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) **1,4,10,11,23,51,53,55 and 57** is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) **1,4,10,11,23,51,53,55 and 57** is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date **3/24/2009**

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. This office action is in response to the Request for Continued Examination received 3/24/2009.
2. Claims 1, 4, 10, 11, 23, 51, 53, 55, and 57, are pending in the application. Claims 1, 11, 23, 51, 53, 55, and 57 are independent claims.
3. Claims 1-60 rejected under 35 U.S.C. 102(e) as being anticipated by Nicholas have been withdrawn pursuant to applicant's amendments.

**In reference to independent claim 1**, Bayeh teaches:

*'an all-menu-item information storage unit configured to manage all-menu-item information which defines all menu items available for display in the web page'*

The reference to Bayeh provides unique data servlets created to retrieve data from a specific type of database used by the server. See column 8, lines 36-67.

*'an all-menu-item style information storage unit configured to manage all-menu-item style information which defines style information for all the menu items available for display in the web page'*

The reference to Bayeh provides a style information storage unit to manage the data retrieved through servlets. See column 8, lines 36-67 and column 9, lines 1-56.

*'a menu-item display information storage unit configured to manage menu-item display information which defines necessity of display of each of the menu items based on a device that displays the web page or on a user of the device that displays the web page'*

Bayeh provides a server which receives unique client requests and routes specific queries to the proper data servlet. See column 10, lines 30-40.

*'a dynamic menu-item style information creation unit configured to select, from the all-menu-item style information, style information items corresponding to the menu items, the necessity of display for which is defined by the menu-item display information, to create dynamic menu-item style information including the style information items; and'*

Bayeh provides a method of servlet chaining for the retrieving of data and style information related to a unique user's request. See column 11, lines 1-67.

*'a menu-item information creation unit configured to apply the dynamic menu-item style information to the all-menu-item information to create the menu items to be included in the web page'*

Bayeh provides a rendering servlet which parses the XML data stream and looks for predefined strings. As the parser in the rendering servlet determines what each document element is, it creates a new data stream, formatted using HTML. The parser may also insert presentation style attributes into the HTML data stream. The HTML data stream is sent to the client's browser and included in a web page. See column 11 and 12, lines 1-67.

**In reference to dependent claim 4**, Bayeh teaches:

While the preferred embodiment uses an XSL style sheet, other style style sheets may be used instead of, or in addition to XSL without deviating from the inventive concepts of the invention. See column 9, lines 24-40.

**In reference to dependent claim 10**, Bayeh teaches:

Figure 3 illustrates a client-server model for processing a user's search request with a web browser which allows a user at a client computer to generate a search request. See column 7, lines

When the reformatted data stream is complete, the HTML data stream is sent to the client's browser to be processed by the browser and viewed by the user who created the unique request. See column 12, lines 1-37.

**In reference to dependent claim 11 and 23**, Bayeh teaches:

Mime types allow multiple types of data to be intermixed in data streams. A mime type is used to identify what type of data (usable functions) are contained in the data stream. See column 9, lines 30-67.

The web page is designed through the utilization and indication of multiple types of data through Mime types and the rendering servlets. See column 10, lines 1-15.

The programming model implemented in existing servlets is to receive the search request, query a database using database query statements appropriate to the particular database, receive the query results and format the results into HTML.

**In reference to claims 51, 53, 55**, the claims recite the computer-readable medium including computer executable instructions for performing similar menu item processing steps as disclosed in claims 1, 10, 11, and 23. Therefore, the claims are rejected under similar rationale.

**In reference to claim 57**, the claim recites the system for performing similar menu item processing steps as disclosed within independent claim 1. Therefore, the claims are rejected under similar rationale.

***Response to Arguments***

Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Applicant amended the language of the claims and therefore changed the scope of the invention when read as a whole. The changes to the claims required the examiner to withdraw the rejection under Nicholas and apply a new rejection to the amended claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Stephen S. Hong/  
Supervisory Patent Examiner, Art Unit  
2178*

ML